

REMARKS

Claims 1-3 are pending in the application. Reexamination and reconsideration are respectfully requested.

In the Office Action, claims 1-3 were rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-3 of Applicant's U.S. Patent No. 6,725,485. Accordingly, Applicant submits herewith a Terminal Disclaimer to obviate this rejection.

Additionally, claims 1-3 were rejected as obvious over Tokunaga et al. (US 5,077,845) in view of Parker (US 4,011,610). Applicant respectfully traverses this rejection.

In this continuation-in-part application of Applicant's U.S. Patent 6,725,485, Applicant added the novel features with respect to the design of the control system for the mattress system. Claim 1, therefore, includes all of the limitations of issued claims 1 and 2 of the parent patent U.S. 6,725,485. In addition, claim 1 includes the features of the control system, including a fluidic pump, a fluid release mechanism, a fluid pressure reservoir and a fluid pressure switch. Hence, claim 1 includes additional features over and above the features recited in Applicant's issued patent claims, which claims were previously patentably distinguished from the Tokunaga and Parker references.

As the limitations of claim 1 were previously found patentable over Tokunaga et al. in view of Parker as noted in Applicant's parent patent U.S. 6,725,485, hereto claim 1, which merely adds additional limitations, is also

patentable. Further, claims 2 and 3 depend from claim 1 and should also be found patentable.


For the foregoing reasons, in view of Applicant's filing of a Terminal Disclaimer Statement, claims 1-3 are now believed to be in condition for allowance. An early notice to that effect is solicited.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #010628.50474C3).

Respectfully submitted,

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